

KAHV300008662018



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C**  
**AT HANGAL**

**Present:** Smt.Anitha, B.A. (Law) L.L.B.,  
Senior Civil Judge & JMFC.,  
Hangal.

**Dated this the 20<sup>th</sup> day of June, 2023.**

**CC No.185/2018**

Complainant: State by Hangal PS

**-Vs-**

Accused : Devaram, S/o Pukkaram,  
Aged 39 years, R/at No.559,  
Bhuvaneshwari Nagar, Banashankari  
3<sup>rd</sup> phase, Bangalore City.

**ORDERS PASSED ON BAIL APPLICATION FILED UNDER**  
**SECTION 437 OF CR.P.C. ON BEHALF OF THE ACCUSED**

The learned counsel for the accused filed bail application under Section 437 of Cr.P.C seeking release of the accused on bail.

2. In the application it is stated that, the Hangal PS have registered the false case against the accused alleging the commission of offence punishable under Section 379 of IPC. The accused is innocent and not committed any offences alleged against him. He is the citizen of India and only bread

earner of his family. If he is not released on bail there is chance of starvation of his family members. He is ready to abide by the conditions that may be imposed by this court. The offences alleged against him are not punishable with death or imprisonment for life. Hence, prayed to release him on bail.

3. Learned APP filed objection contending that, the offences alleged against the accused are punishable under Section 457 and 380 of IPC. If the accused is released on bail there is chance of repeating the crime. There is also possibility of fleeing from jurisdiction. He is habitual offender. If he is released on bail there is chance tampering the prosecution witnesses. Hence, prayed to reject the bail application.

4. Thereafter, heard arguments addressed by learned counsel for the accused and learned APP and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

### **POINTS**

1. Whether the accused has made out sufficient grounds for his release on bail?
2. What order?
5. The findings of the above points are as hereunder:

Point No.1: In the affirmative

Point No.2: As per the final order  
for the following:

**REASONS**

6. **Point No.1:** The CPI of Hangal Circle has registered the case against this accused and others for the offences punishable under Section 457 and 380 of IPC. The case came to be registered on the basis of complaint lodged by one Kiran Raikar. The charge-sheet was filed in the year 2018 itself. Since this accused has not been secured. Further the case against other accused persons has been split up and split up CC No.1540/2022 has been registered. Now the accused is at Sub-Jail Begun Chittorghar, Rajasthan State. He has been produced before the court under body warrant through VC. As per the letter received from Chief Superintendent, Central Prison, Parappana Agrahara there are three cases pending against this accused. One among the same is the present case. At the time of addressing the arguments learned counsel for the accused argued that, he has been released on bail from Rajasthan Sub-Jail. Admittedly the offences alleged against the accused are not punishable with death or imprisonment for life and the same are exclusively triable by this court. Keeping the accused behind the bars will not serve any purpose for the prosecution. His presence could be secured by imposing stringent conditions. Hence, this court comes to the conclusion that, the accused has made out sufficient grounds for his release on bail. Accordingly, Point No.1 is answered in the Affirmative.

7. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

**ORDER**

The bail application filed by the accused under Section 437 of Cr.P.C is hereby allowed subject to the following conditions:

1. The accused shall execute personal bond for Rs.50,000/- with one local surety for the like sum and cash surety of Rs.10,000/-.
2. The accused shall appear before the court regularly.
3. The accused shall not threaten the prosecution witnesses and tamper the prosecution evidence.
4. The accused shall not indulge himself in any kind of criminal offence.

(Dictated to the Stenographer directly on the computer, same is corrected and pronounced by me in the open court on this the 20<sup>th</sup> day of June, 2023)

Sd/-

**(Anitha)**

Senior Civil Judge and JMFC,  
Hangal.